

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH D. SPILLERS,
Petitioner,
v.
PATRICK COVELLO,
Respondent.

No. 2:24-cv-1865 CKD P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Under Rule 4 of the Rules Governing Section 2254 Cases, the court must review all petitions for writ of habeas corpus and summarily dismiss any petition if it is plain that the petitioner is not entitled to relief. The court has conducted that review.

Petitioner claims he is not being granted all of the good conduct sentence credit to which he is entitled under California law. However, petitioner's claim is conclusory as he fails to show how much credit he has been denied, and why he is entitled to such credit under law. The amended petition must be dismissed, but the court will grant petitioner one more opportunity to state a claim upon which he can proceed. Petitioner is informed he cannot proceed on any claim that has not been presented to and rejected by the California Supreme Court. The exhaustion of state court remedies is a prerequisite to the granting of a petition for writ of habeas corpus. 28

1 U.S.C. § 2254(b)(1). A petitioner satisfies the exhaustion requirement by providing the highest
2 state court with a full and fair opportunity to consider all claims before presenting them to the
3 federal court. Picard v. Connor, 404 U.S. 270, 276 (1971).

4 Accordingly, IT IS HERBY ORDERED that:

5 1. Petitioner's amended petition for a writ of habeas corpus is dismissed.

6 2. Petitioner is granted thirty days within which to file a second amended petition that
7 complies with the terms of this order. Failure to file a second amended petition within 30 days
8 will result in a recommendation that this action be dismissed.

9 3. The Clerk of the Court is directed to send petitioner the court's form-application for a
10 writ of habeas corpus by California prisoners.

11 Dated: September 24, 2024



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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